IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2007

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THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.5195 of 1999

Kannaiyalal Bafna .. Petitioner

vs.

1. The District Collector,
   Office of District Collector,
   Ootacamund 643 001.

2. The Commissioner,
   Ootacamund Municipal office,
   Ootacamund

3. The Town Planning Officer,
   Ootacamund Municipality,
   Ootacamund. .. Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent pertaining to the letter No.31/98/F1/21, dated 6.11.1998 and Ka.Vi. No.F1/38/98, dated 6.1.1999 quash the same and to direct the second respondent to consider and dispose of the application dated 29.10.1998 for approval of the plan submitted by the petitioner on the file of the second respondent.

For petitioner : Ms.Pushpa Sathyanarayana

For respondents : Mr.V.Manoharan
Government Advocate for R1
Mr.P.Srinivas for R2 and R3

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O R D E R

Heard the learned counsel appearing for the petitioner and the learned counsels appearing for the respondents.

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2. The petitioner has challenged the demolition notice, dated 6.11.1998, and the notification, dated 6.1.1999, issued by the second respondent by which the petitioner has been informed that the portions of the building belonging to the petitioner which has been constructed contrary to the permissible proportions as prescribed by the relevant Rules would be demolished.

3. It is submitted by the learned counsel appearing for the petitioner that the revised plan application submitted by the petitioner, on 29.10.1998, has not been considered by the respondents before the impugned notice and notification have been issued.

4. Mr.V.Manoharan, the learned Government Advocate appearing for the first respondent and Mr.P.Srinivas, the learned counsel appearing for the second and third respondents have not controverted the claims made on behalf of the petitioner. The learned counsel appearing for the second and third respondents had submitted that the revised plan application submitted by the petitioner, on 29.10.1998, and the connected records had already been returned to the petitioner and therefore, there are no records available on their files pending consideration as stated by the petitioner.

5. On such submissions being made, the petitioner is directed to re-submit the revised plan application, along with the required documents, to the second respondent to be considered on merits and in accordance with law. On receipt of such revised plan application, along with the required documents, the second respondent is directed to pass appropriate orders thereon, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of such application.

With the above directions, the writ petition is disposed of. No costs.

Sd/-
Asst. Registrar.

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Sub Asst. Registrar.

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To

1. The District Collector,
   Office of District Collector,
   Ootacamund 643 001.

2. The Commissioner,
   Ootacamund Municipal office,
   Ootacamund

3. Town Planning Officer,
   Ootacamund Municipality,
   Ootacamund.

1 cc to Mr.P. Srinivas, Advocate, Sr. 68774
1 cc to Mr.T.R. Rajaraman, Advocate, Sr. 68973
1 cc to Government Pleader, Sr. 69051

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